STATE OF NEW YORK

4450

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. MORINELLO, DeSTEFANO, HAWLEY, J. M. GIGLIO -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, the agriculture and markets law, the criminal procedure law, the civil practice law and rules, the domestic relations law, the education law, the executive law, the family court act, the general business law, the judiciary law, the labor law, the public health law, the social services law and the administrative code of the city of New York, in relation to replacing the word rape with the term sexual battery

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 130.25 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.25 [~~Rape~~] **Sexual battery** in the third degree.

A person is guilty of [~~rape~~] **sexual battery** in the third degree when:

1. He or she engages in sexual intercourse with another person who is incapable of consent by reason of some factor other than being less than seventeen years old;

2. Being twenty-one years old or more, he or she engages in sexual intercourse with another person less than seventeen years old; or

3. He or she engages in sexual intercourse with another person without such person's consent where such lack of consent is by reason of some factor other than incapacity to consent.

[~~Rape~~] **Sexual battery** in the third degree is a class E felony.

§ 2. Section 130.30 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.30 [~~Rape~~] **Sexual battery** in the second degree.

A person is guilty of [~~rape~~] **sexual battery** in the second degree when:

1. being eighteen years old or more, he or she engages in sexual intercourse with another person less than fifteen years old; or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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2. he or she engages in sexual intercourse with another person who is incapable of consent by reason of being mentally disabled or mentally incapacitated.

It shall be an affirmative defense to the crime of [~~rape~~] **sexual battery** in the second degree as defined in subdivision one of this section that the defendant was less than four years older than the victim at the time of the act.

[~~Rape~~] **Sexual battery** in the second degree is a class D felony.

§ 3. Section 130.35 of the penal law, as amended by chapter 1 of the laws of 2000, is amended to read as follows:

§ 130.35 [~~Rape~~] **Sexual battery** in the first degree.

A person is guilty of [~~rape~~] **sexual battery** in the first degree when he or she engages in sexual intercourse with another person:

1. By forcible compulsion; or

2. Who is incapable of consent by reason of being physically helpless; or

3. Who is less than eleven years old; or

4. Who is less than thirteen years old and the actor is eighteen years old or more.

[~~Rape~~] **Sexual battery** in the first degree is a class B felony.

§ 4. Paragraph 2 of subdivision 18 of section 10.00 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 [~~(rape~~] **(sexual battery** in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of [~~the penal law~~] **this chapter**.

§ 5. Subdivision 2 of section 30.00 of the penal law, as amended by section 38 of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

2. A person thirteen, fourteen or, fifteen years of age is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter; and a person fourteen or, fifteen years of age is criminally responsible for acts constituting the crimes defined in section 135.25 (kidnapping in the first degree); 150.20

(arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 [~~(rape~~] (sexual battery in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of this chapter; or section 265.03 of this chapter, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of this chapter; or defined in this chapter as an attempt to commit murder in the second degree or kidnapping in the first degree, or for such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of this chapter.

§ 6. Paragraph (b) of subdivision 2 of section 35.15 of the penal law, as amended by chapter 511 of the laws of 2004, is amended to read as follows:

(b) He or she reasonably believes that such other person is committing or attempting to commit a kidnapping, forcible [~~rape~~] sexual battery, forcible criminal sexual act or robbery; or

§ 7. Paragraph (b) of subdivision 4 of section 35.30 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(b) Effect the arrest of a person who has committed murder, manslaughter in the first degree, robbery, forcible [~~rape~~] sexual battery or forcible criminal sexual act and who is in immediate flight therefrom.

§ 8. Paragraphs (a) and (c) of subdivision 1 of section 70.02 of the penal law, paragraph (a) as amended by chapter 189 of the laws of 2018 and paragraph (c) as amended by chapter 134 of the laws of 2019, are amended to read as follows:

(a) Class B violent felony offenses: an attempt to commit the class A-I felonies of murder in the second degree as defined in section 125.25, kidnapping in the first degree as defined in section 135.25, and arson in the first degree as defined in section 150.20; manslaughter in the first degree as defined in section 125.20, aggravated manslaughter in the first degree as defined in section 125.22, [~~rape~~] sexual battery in the first degree as defined in section 130.35, criminal sexual act in the first degree as defined in section 130.50, aggravated sexual abuse in the first degree as defined in section 130.70, course of sexual conduct against a child in the first degree as defined in section 130.75; assault in the first degree as defined in section 120.10, kidnapping in the second degree as defined in section 135.20, burglary in the first degree as defined in section 140.30, arson in the second degree as defined in section 150.15, robbery in the first degree as defined in section 160.15, sex trafficking as defined in paragraphs (a) and (b) of subdivision five of section 230.34, sex trafficking of a child as defined in section 230.34-a, incest in the first degree as defined in section 255.27, criminal possession of a weapon in the first degree as defined in section 265.04, criminal use of a firearm in the first degree as defined in section 265.09, criminal sale of a firearm in the first degree as defined in section 265.13, aggravated assault upon a police officer or a peace officer as defined in section 120.11, gang assault in the first degree as defined in section 120.07, intimidating a

victim or witness in the first degree as defined in section 215.17, hindering prosecution of terrorism in the first degree as defined in section 490.35, criminal possession of a chemical weapon or biological weapon in the second degree as defined in section 490.40, and criminal use of a chemical weapon or biological weapon in the third degree as defined in section 490.47.

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, [~~rape~~] **sexual battery** in the second degree as defined in section 130.30, criminal sexual act in the second degree as defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdivision three of section 135.35, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven, eight, nine or ten of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18, and criminal manufacture, sale, or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50.

§ 9. The opening paragraph of subdivision 3 and subdivision 5 of section 125.25 of the penal law, the opening paragraph of subdivision 3 as amended by chapter 264 of the laws of 2003 and subdivision 5 as amended by chapter 320 of the laws of 2006, are amended to read as follows:

Acting either alone or with one or more other persons, he commits or attempts to commit robbery, burglary, kidnapping, arson, [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, aggravated sexual abuse, escape in the first degree, or escape in the second degree, and, in the course of and in furtherance of such crime or of immediate flight therefrom, he, or another participant, if there be any, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

5. Being eighteen years old or more, while in the course of committing [~~rape~~] **sexual battery** in the first, second or third degree, criminal sexual act in the first, second or third degree, sexual abuse in the first degree, aggravated sexual abuse in the first, second, third or fourth degree, or incest in the first, second or third degree, against a

person less than fourteen years old, he or she intentionally causes the death of such person.

§ 10. Subparagraph (vii) of paragraph (a) of subdivision 1 of section 125.27 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(vii) the victim was killed while the defendant was in the course of committing or attempting to commit and in furtherance of robbery, burglary in the first degree or second degree, kidnapping in the first degree, arson in the first degree or second degree, [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, sexual abuse in the first degree, aggravated sexual abuse in the first degree or escape in the first degree, or in the course of and furtherance of immediate flight after committing or attempting to commit any such crime or in the course of and furtherance of immediate flight after attempting to commit the crime of murder in the second degree; provided however, the victim is not a participant in one of the aforementioned crimes and, provided further that, unless the defendant's criminal liability under this subparagraph is based upon the defendant having commanded another person to cause the death of the victim or intended victim pursuant to section 20.00 of this chapter, this subparagraph shall not apply where the defendant's criminal liability is based upon the conduct of another pursuant to section 20.00 of this chapter; or

§ 11. Paragraph (d) of subdivision 2 and paragraph (h) of subdivision 3 of section 130.05 of the penal law, paragraph (d) of subdivision 2 as amended by chapter 40 of the laws of 2004 and paragraph (h) of subdivision 3 as amended by section 2 of part G of chapter 501 of the laws of 2012, are amended to read as follows:

(d) Where the offense charged is [~~rape~~] **sexual battery** in the third degree as defined in subdivision three of section 130.25, or criminal sexual act in the third degree as defined in subdivision three of section 130.40, in addition to forcible compulsion, circumstances under which, at the time of the act of intercourse, oral sexual conduct or anal sexual conduct, the victim clearly expressed that he or she did not consent to engage in such act, and a reasonable person in the actor's situation would have understood such person's words and acts as an expression of lack of consent to such act under all the circumstances.

(h) a client or patient and the actor is a health care provider or mental health care provider charged with [~~rape~~] **sexual battery** in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55, and the act of sexual conduct occurs during a treatment session, consultation, interview, or examination; or

§ 12. Subdivision 3 of section 130.10 of the penal law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

3. In any prosecution for the crime of [~~rape~~] **sexual battery** in the third degree as defined in section 130.25, criminal sexual act in the third degree as defined in section 130.40, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, or sexual abuse in the third degree as defined in section 130.55 in which incapacity to consent is based on the circumstances set forth in paragraph (h) of subdivision three of section 130.05 of this article it shall be an affirmative defense that the client or patient consented to such conduct charged after having been expressly advised by the health care or mental health

care provider that such conduct was not performed for a valid medical purpose.

§ 13. The opening paragraph and subdivision 2 of section 130.95 of the penal law, as added by chapter 107 of the laws of 2006, are amended to read as follows:

A person is guilty of predatory sexual assault when he or she commits the crime of [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and when:

2. He or she has engaged in conduct constituting the crime of [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, against one or more additional persons; or

§ 14. Section 130.96 of the penal law, as added by chapter 107 of the laws of 2006, is amended to read as follows:

§ 130.96 Predatory sexual assault against a child.

A person is guilty of predatory sexual assault against a child when, being eighteen years old or more, he or she commits the crime of [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree, as defined in this article, and the victim is less than thirteen years old.

Predatory sexual assault against a child is a class A-II felony.

§ 15. Subdivision 2 of section 240.75 of the penal law, as amended by section 8 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

2. A "specified offense" is an offense defined in section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); section 121.11 (criminal obstruction of breathing or blood circulation); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 130.20 (sexual misconduct); section 130.30 [~~(rape~~] **(sexual battery** in the second degree); section 130.35 [~~(rape~~] **(sexual battery** in the first degree); section 130.40 (criminal sexual act in the third degree); section 130.45 (criminal sexual act in the second degree); section 130.50 (criminal sexual act in the first degree); section 130.52 (forcible touching); section 130.53 (persistent sexual abuse); section 130.55 (sexual abuse in the third degree); section 130.60 (sexual abuse in the second degree); section 130.65 (sexual abuse in the first degree); section 130.66 (aggravated sexual abuse in the third degree); section 130.67 (aggravated sexual abuse in the second degree); section 130.70 (aggravated sexual abuse in the first degree); section 130.91 (sexually motivated felony); section 130.95 (predatory sexual assault); section 130.96 (predatory sexual assault against a child); section 135.05 (unlawful

imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 145.14 (criminal tampering in the third degree); section 215.50 (criminal contempt in the second degree); section 215.51 (criminal contempt in the first degree); section 215.52 (aggravated criminal contempt); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); aggravated family offense as defined in this section or any attempt or conspiracy to commit any of the foregoing offenses where the defendant and the person against whom the offense was committed were members of the same family or household as defined in subdivision one of section 530.11 of the criminal procedure law.

§ 16. Section 255.26 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.26 Incest in the second degree.

A person is guilty of incest in the second degree when he or she commits the crime of [~~rape~~] **sexual battery** in the second degree, as defined in section 130.30 of this part, or criminal sexual act in the second degree, as defined in section 130.45 of this part, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or the half blood, uncle, aunt, nephew or niece.

Incest in the second degree is a class D felony.

§ 17. Section 255.27 of the penal law, as added by chapter 320 of the laws of 2006, is amended to read as follows:

§ 255.27 Incest in the first degree.

A person is guilty of incest in the first degree when he or she commits the crime of [~~rape~~] **sexual battery** in the first degree, as defined in subdivision three or four of section 130.35 of this part, or criminal sexual act in the first degree, as defined in subdivision three or four of section 130.50 of this part, against a person whom he or she knows to be related to him or her, whether through marriage or not, as an ancestor, descendant, brother or sister of either the whole or half blood, uncle, aunt, nephew or niece.

Incest in the first degree is a class B felony.

§ 18. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as amended by chapter 134 of the laws of 2019, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 121.12 and 121.13 relating to strangulation; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to [~~rape~~] **sexual battery**; sections 135.20 and 135.25 relating to kidnapping; sections 135.35 and 135.37 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating

to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 200.56, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; any felony defined in article four hundred ninety-six; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60, 220.65 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; section 230.34-a relating to sex trafficking of a child; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; sections 265.14 and 265.16 relating to criminal sale of a firearm; section 265.50 relating to the criminal manufacture, sale or transport of an undetectable firearm, rifle or shotgun; section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

§ 19. Subdivision 3 of section 485.05 of the penal law, as amended by section 3 of part R of chapter 55 of the laws of 2020, is amended to read as follows:

3. A "specified offense" is an offense defined by any of the following provisions of this chapter: section 120.00 (assault in the third degree); section 120.05 (assault in the second degree); section 120.10 (assault in the first degree); section 120.12 (aggravated assault upon a person less than eleven years old); section 120.13 (menacing in the first degree); section 120.14 (menacing in the second degree); section 120.15 (menacing in the third degree); section 120.20 (reckless endangerment in the second degree); section 120.25 (reckless endangerment in the first degree); section 121.12 (strangulation in the second degree); section 121.13 (strangulation in the first degree); subdivision one of section 125.15 (manslaughter in the second degree); subdivision one, two or four of section 125.20 (manslaughter in the first degree); section 125.25 (murder in the second degree); section 120.45 (stalking in the fourth degree); section 120.50 (stalking in the third degree); section 120.55 (stalking in the second degree); section 120.60 (stalking in the first degree); subdivision one of section 130.35 [~~(rape~~] **(sexual battery** in the first degree); subdivision one of section 130.50 (criminal sexual act in the first degree); subdivision one of section 130.65 (sexual abuse in the first degree); paragraph (a) of subdivision one of section 130.67 (aggravated sexual abuse in the second degree); paragraph (a) of subdivision one of section 130.70 (aggravated sexual abuse in the first

degree); section 135.05 (unlawful imprisonment in the second degree); section 135.10 (unlawful imprisonment in the first degree); section 135.20 (kidnapping in the second degree); section 135.25 (kidnapping in the first degree); section 135.60 (coercion in the third degree); section 135.61 (coercion in the second degree); section 135.65 (coercion in the first degree); section 140.10 (criminal trespass in the third degree); section 140.15 (criminal trespass in the second degree); section 140.17 (criminal trespass in the first degree); section 140.20 (burglary in the third degree); section 140.25 (burglary in the second degree); section 140.30 (burglary in the first degree); section 145.00 (criminal mischief in the fourth degree); section 145.05 (criminal mischief in the third degree); section 145.10 (criminal mischief in the second degree); section 145.12 (criminal mischief in the first degree); section 150.05 (arson in the fourth degree); section 150.10 (arson in the third degree); section 150.15 (arson in the second degree); section 150.20 (arson in the first degree); section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 160.05 (robbery in the third degree); section 160.10 (robbery in the second degree); section 160.15 (robbery in the first degree); section 240.25 (harassment in the first degree); subdivision one, two or four of section 240.30 (aggravated harassment in the second degree); section 490.10 (soliciting or providing support for an act of terrorism in the second degree); section 490.15 (soliciting or providing support for an act of terrorism in the first degree); section 490.20 (making a terroristic threat); section 490.25 (crime of terrorism); section 490.30 (hindering prosecution of terrorism in the second degree); section 490.35 (hindering prosecution of terrorism in the first degree); section 490.37 (criminal possession of a chemical weapon or biological weapon in the third degree); section 490.40 (criminal possession of a chemical weapon or biological weapon in the second degree); section 490.45 (criminal possession of a chemical weapon or biological weapon in the first degree); section 490.47 (criminal use of a chemical weapon or biological weapon in the third degree); section 490.50 (criminal use of a chemical weapon or biological weapon in the second degree); section 490.55 (criminal use of a chemical weapon or biological weapon in the first degree); or any attempt or conspiracy to commit any of the foregoing offenses.

§ 20. Subdivision 11 of section 123 of the agriculture and markets law, as amended by chapter 392 of the laws of 2004 and such section as renumbered by section 18 of part T of chapter 59 of the laws of 2010, is amended to read as follows:

11. The owner shall not be liable pursuant to subdivision six, seven, eight, nine or ten of this section if the dog was coming to the aid or defense of a person during the commission or attempted commission of a murder, robbery, burglary, arson, [~~rape~~] **sexual battery** in the first degree as defined in subdivision one or two of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one or two of section 130.50 of the penal law or kidnapping within the dwelling or upon the real property of the owner of the dog and the dog injured or killed the person committing such criminal activity.

§ 21. Subdivision 42 of section 1.20 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

42. "Juvenile offender" means (1) a person, thirteen years old who is criminally responsible for acts constituting murder in the second degree as defined in subdivisions one and two of section 125.25 of the penal

law, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; and (2) a person fourteen or fifteen years old who is criminally responsible for acts constituting the crimes defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; section 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 [~~(rape~~] **(sexual battery** in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

§ 22. Paragraphs (a), (a-1) and (a-2) of subdivision 2 of section 30.10 of the criminal procedure law, paragraph (a) as amended and paragraphs (a-1) and (a-2) as added by chapter 315 of the laws of 2019, are amended to read as follows:

(a) A prosecution for a class A felony, or [~~rape~~] **sexual battery** in the first degree as defined in section 130.35 of the penal law, or a crime defined or formerly defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law may be commenced at any time;

(a-1) A prosecution for [~~rape~~] **sexual battery** in the second degree as defined in subdivision two of section 130.30 of the penal law, or criminal sexual act in the second degree as defined in subdivision two of section 130.45 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law (where the crime committed is [~~rape~~] **sexual battery** in the second degree as defined in subdivision two of section 130.30 of the penal law or criminal sexual act in the second degree as defined in subdivision two of section 130.45) must be commenced within twenty years after the commission thereof or within ten years from when the offense is first reported to law enforcement, whichever occurs earlier;

(a-2) A prosecution for [~~rape~~] **sexual battery** in the third degree as defined in subdivision one or three of section 130.25 of the penal law, or criminal sexual act in the third degree as defined in subdivision one or three of section 130.40 of the penal law must be commenced within ten years after the commission thereof;

§ 23. The section heading of section 60.76 of the criminal procedure law, as added by chapter 432 of the laws of 1993, is amended to read as follows:

Rules of evidence; [~~rape~~] **sexual battery** crisis counselor evidence in certain cases.

§ 24. Paragraph (h) of subdivision 3 of section 190.25 of the criminal procedure law, as amended by chapter 347 of the laws of 2014, is amended to read as follows:

(h) A social worker, [~~rape~~] **sexual battery** crisis counselor, psychologist or other professional providing emotional support to a child witness twelve years old or younger, or a social worker or informal caregiver, as provided in subdivision two of section two hundred six of the elder law, for a vulnerable elderly person as provided in subdivision three of section 260.31 of the penal law, who is called to give evidence in a grand jury proceeding concerning a crime defined in article one hundred twenty-one, article one hundred thirty, article two hundred sixty, section 120.10, 125.10, 125.15, 125.20, 125.25, 125.26, 125.27, 255.25, 255.26 or 255.27 of the penal law provided that the district attorney consents. Such support person shall not provide the witness with an answer to any question or otherwise participate in such proceeding and shall first take an oath before the grand jury that he or she will keep secret all matters before such grand jury within his or her knowledge.

§ 25. Paragraph (c) of subdivision 5 of section 190.32 of the criminal procedure law, as amended by chapter 91 of the laws of 1995, is amended to read as follows:

(c) A social worker, [~~rape~~] **sexual battery** crisis counselor, psychologist or other professional providing emotional support to a child witness or to a special witness, as defined in subparagraph (ii) of paragraph (b) of subdivision one of this section, or any of those persons enumerated in paragraphs (a), (b), (c), (d), (e), (f) and (g) of subdivision three of section 190.25 may be present during the videotaping except that a doctor, nurse or other medical assistant also may be present if required by the attendant circumstances. Each person present, except the witness, must, if he has not previously taken a constitutional oath of office or an oath that he will keep secret all matters before a grand jury, must take an oath on the record that he will keep secret the videotaped examination.

§ 26. Subdivision (a) of section 190.71 of the criminal procedure law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(a) Except as provided in subdivision six of section 200.20 of this chapter, a grand jury may not indict (i) a person thirteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) a person fourteen or fifteen years of age for any conduct or crime other than conduct constituting a crime defined in subdivisions one and two of section 125.25 (murder in the second degree) and in subdivision three of such section provided that the underlying crime for the murder charge is one for which such person is criminally responsible; 135.25 (kidnapping in the first degree); 150.20 (arson in the first degree); subdivisions one and two of section 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); subdivisions one and two of section 130.35 [~~(rape~~] **(sexual battery** in the first degree); subdivisions one and two of section 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); 150.15 (arson in the second degree); 160.15 (robbery in the first degree); subdivision two of section 160.10 (robbery in the second

degree) of the penal law; subdivision four of section 265.02 of the penal law, where such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law; or defined in the penal law as an attempt to commit murder in the second degree or kidnapping in the first degree, or such conduct as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law.

§ 27. Subparagraph (iii) of paragraph (g) of subdivision 5 of section 220.10 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

(iii) Where the indictment does not charge a crime specified in subparagraph (i) of this paragraph, the district attorney may recommend removal of the action to the family court. Upon making such recommendation the district attorney shall submit a subscribed memorandum setting forth: (1) a recommendation that the interests of justice would best be served by removal of the action to the family court; and (2) if the indictment charges a thirteen year old with the crime of murder in the second degree, or a fourteen or fifteen year old with the crimes of [~~rape~~] **sexual battery** in the first degree as defined in subdivision one of section 130.35 of the penal law, or criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter specific factors, one or more of which reasonably supports the recommendation, showing, (i) mitigating circumstances that bear directly upon the manner in which the crime was committed, or (ii) where the defendant was not the sole participant in the crime, that the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution, or (iii) possible deficiencies in proof of the crime, or (iv) where the juvenile offender has no previous adjudications of having committed a designated felony act, as defined in subdivision eight of section 301.2 of the family court act, regardless of the age of the offender at the time of commission of the act, that the criminal act was not part of a pattern of criminal behavior and, in view of the history of the offender, is not likely to be repeated.

§ 28. Subdivision 6 of section 300.50 of the criminal procedure law, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

6. For purposes of this section, the offenses of [~~rape~~] **sexual battery** in the third degree as defined in subdivision three of section 130.25 of the penal law and criminal sexual act in the third degree as defined in subdivision three of section 130.40 of the penal law, are not lesser included offenses of [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree or any other offense. Notwithstanding the foregoing, either such offense may be submitted as a lesser included offense of the applicable first degree offense when (i) there is a reasonable view of the evidence which would support a finding that the defendant committed such lesser offense but did not commit the greater offense, and (ii) both parties consent to its submission.

§ 29. Paragraph (c) of subdivision 2 of section 440.47 of the criminal procedure law, as added by chapter 31 of the laws of 2019, is amended to read as follows:

(c) An application for resentencing pursuant to this section must include at least two pieces of evidence corroborating the applicant's

claim that he or she was, at the time of the offense, a victim of domestic violence subjected to substantial physical, sexual or psychological abuse inflicted by a member of the same family or household as the applicant as such term is defined in subdivision one of section 530.11 of this chapter.

At least one piece of evidence must be either a court record, pre-sentence report, social services record, hospital record, sworn statement from a witness to the domestic violence, law enforcement record, domestic incident report, or order of protection. Other evidence may include, but shall not be limited to, local and state department of corrections **and community supervision** records, a showing based in part on documentation prepared at or near the time of the commission of the offense or the prosecution thereof tending to support the person's claim, or when there is verification of consultation with a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, member of the clergy, attorney, social worker, or [~~rape~~] **sexual battery** crisis counselor as defined in section forty-five hundred ten of the civil practice law and rules, or other advocate acting on behalf of an agency that assists victims of domestic violence for the purpose of assisting such person with domestic violence victim counseling or support.

§ 30. Paragraph (b) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 134 of the laws of 2019, is amended to read as follows:

(b) Any of the following felonies: assault in the second degree as defined in section 120.05 of the penal law, assault in the first degree as defined in section 120.10 of the penal law, reckless endangerment in the first degree as defined in section 120.25 of the penal law, promoting a suicide attempt as defined in section 120.30 of the penal law, strangulation in the second degree as defined in section 121.12 of the penal law, strangulation in the first degree as defined in section 121.13 of the penal law, criminally negligent homicide as defined in section 125.10 of the penal law, manslaughter in the second degree as defined in section 125.15 of the penal law, manslaughter in the first degree as defined in section 125.20 of the penal law, murder in the second degree as defined in section 125.25 of the penal law, murder in the first degree as defined in section 125.27 of the penal law, [~~rape~~] **sexual battery** in the third degree as defined in section 130.25 of the penal law, [~~rape~~] **sexual battery** in the second degree as defined in section 130.30 of the penal law, [~~rape~~] **sexual battery** in the first degree as defined in section 130.35 of the penal law, criminal sexual act in the third degree as defined in section 130.40 of the penal law, criminal sexual act in the second degree as defined in section 130.45 of the penal law, criminal sexual act in the first degree as defined in section 130.50 of the penal law, sexual abuse in the first degree as defined in section 130.65 of the penal law, unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, kidnapping in the second degree as defined in section 135.20 of the penal law, kidnapping in the first degree as defined in section 135.25 of the penal law, labor trafficking as defined in section 135.35 of the penal law, aggravated labor trafficking as defined in section 135.37 of the penal law, custodial interference in the first degree as defined in section 135.50 of the penal law, coercion in the first degree as defined in section 135.65 of the penal law, criminal trespass in the first degree as defined in section 140.17 of the penal law, burglary in the third degree as defined in section 140.20 of the penal law, burglary in the

second degree as defined in section 140.25 of the penal law, burglary in the first degree as defined in section 140.30 of the penal law, criminal mischief in the third degree as defined in section 145.05 of the penal law, criminal mischief in the second degree as defined in section 145.10 of the penal law, criminal mischief in the first degree as defined in section 145.12 of the penal law, criminal tampering in the first degree as defined in section 145.20 of the penal law, arson in the fourth degree as defined in section 150.05 of the penal law, arson in the third degree as defined in section 150.10 of the penal law, arson in the second degree as defined in section 150.15 of the penal law, arson in the first degree as defined in section 150.20 of the penal law, grand larceny in the fourth degree as defined in section 155.30 of the penal law, grand larceny in the third degree as defined in section 155.35 of the penal law, grand larceny in the second degree as defined in section 155.40 of the penal law, grand larceny in the first degree as defined in section 155.42 of the penal law, health care fraud in the fourth degree as defined in section 177.10 of the penal law, health care fraud in the third degree as defined in section 177.15 of the penal law, health care fraud in the second degree as defined in section 177.20 of the penal law, health care fraud in the first degree as defined in section 177.25 of the penal law, robbery in the third degree as defined in section 160.05 of the penal law, robbery in the second degree as defined in section 160.10 of the penal law, robbery in the first degree as defined in section 160.15 of the penal law, unlawful use of secret scientific material as defined in section 165.07 of the penal law, criminal possession of stolen property in the fourth degree as defined in section 165.45 of the penal law, criminal possession of stolen property in the third degree as defined in section 165.50 of the penal law, criminal possession of stolen property in the second degree as defined by section 165.52 of the penal law, criminal possession of stolen property in the first degree as defined by section 165.54 of the penal law, trademark counterfeiting in the second degree as defined in section 165.72 of the penal law, trademark counterfeiting in the first degree as defined in section 165.73 of the penal law, forgery in the second degree as defined in section 170.10 of the penal law, forgery in the first degree as defined in section 170.15 of the penal law, criminal possession of a forged instrument in the second degree as defined in section 170.25 of the penal law, criminal possession of a forged instrument in the first degree as defined in section 170.30 of the penal law, criminal possession of forgery devices as defined in section 170.40 of the penal law, falsifying business records in the first degree as defined in section 175.10 of the penal law, tampering with public records in the first degree as defined in section 175.25 of the penal law, offering a false instrument for filing in the first degree as defined in section 175.35 of the penal law, issuing a false certificate as defined in section 175.40 of the penal law, criminal diversion of prescription medications and prescriptions in the second degree as defined in section 178.20 of the penal law, criminal diversion of prescription medications and prescriptions in the first degree as defined in section 178.25 of the penal law, residential mortgage fraud in the fourth degree as defined in section 187.10 of the penal law, residential mortgage fraud in the third degree as defined in section 187.15 of the penal law, residential mortgage fraud in the second degree as defined in section 187.20 of the penal law, residential mortgage fraud in the first degree as defined in section 187.25 of the penal law, escape in the second degree as defined in section 205.10 of the penal law, escape in the first

degree as defined in section 205.15 of the penal law, absconding from temporary release in the first degree as defined in section 205.17 of the penal law, promoting prison contraband in the first degree as defined in section 205.25 of the penal law, hindering prosecution in the second degree as defined in section 205.60 of the penal law, hindering prosecution in the first degree as defined in section 205.65 of the penal law, sex trafficking as defined in section 230.34 of the penal law, sex trafficking of a child as defined in section 230.34-a of the penal law, criminal possession of a weapon in the third degree as defined in subdivisions two, three and five of section 265.02 of the penal law, criminal possession of a weapon in the second degree as defined in section 265.03 of the penal law, criminal possession of a weapon in the first degree as defined in section 265.04 of the penal law, manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances defined as felonies in subdivisions one, two, and three of section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of the penal law, or prohibited use of weapons as defined in subdivision two of section 265.35 of the penal law, relating to firearms and other dangerous weapons, criminal manufacture, sale or transport of an undetectable firearm, rifle or shotgun as defined in section 265.50 of the penal law, or failure to disclose the origin of a recording in the first degree as defined in section 275.40 of the penal law;

§ 31. Paragraph (a) of subdivision 2 and subdivision 3 of section 720.10 of the criminal procedure law, paragraph (a) of subdivision 2 as amended by chapter 316 of the laws of 2006 and subdivision 3 as amended by chapter 264 of the laws of 2003, are amended to read as follows:

(a) the conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, or aggravated sexual abuse, except as provided in subdivision three, or

3. Notwithstanding the provisions of subdivision two, a youth who has been convicted of an armed felony offense or of [~~rape~~] **sexual battery** in the first degree, criminal sexual act in the first degree, or aggravated sexual abuse is an eligible youth if the court determines that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution. Where the court determines that the eligible youth is a youthful offender, the court shall make a statement on the record of the reasons for its determination, a transcript of which shall be forwarded to the state division of criminal justice services, to be kept in accordance with the provisions of subdivision three of section eight hundred thirty-seven-a of the executive law.

§ 32. Subdivision 4 of section 722.20 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

4. Notwithstanding the provisions of subdivisions two and three of this section, the court shall, at the request of the district attorney, order removal of an action against a juvenile offender to the family court pursuant to the provisions of article seven hundred twenty-five of this title if, upon consideration of the criteria specified in subdivi-

sion two of section 722.22 of this article, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the juvenile offender with murder in the second degree as defined in section 125.25 of the penal law, [~~rape~~] **sexual battery** in the first degree as defined in subdivision one of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.

§ 33. Subdivision 5 of section 722.21 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

5. Notwithstanding subdivisions two and three of this section, at the request of the district attorney, the court shall order removal of an action against an adolescent offender charged with an offense listed in paragraph (a) of subdivision two of section 722.23 of this article, to the family court pursuant to the provisions of article seven hundred twenty-five of this title and upon consideration of the criteria specified in subdivision two of section 722.22 of this article, it is determined that to do so would be in the interests of justice. Where, however, the felony complaint charges the adolescent offender with murder in the second degree as defined in section 125.25 of the penal law, [~~rape~~] **sexual battery** in the first degree as defined in subdivision one of section 130.35 of the penal law, criminal sexual act in the first degree as defined in subdivision one of section 130.50 of the penal law, or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, a determination that such action be removed to the family court shall, in addition, be based upon a finding of one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in proof of the crime.

§ 34. Paragraph (b) of subdivision 1 of section 722.22 of the criminal procedure law, as added by section 1-a of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

(b) with the consent of the district attorney, order removal of an action involving an indictment charging a juvenile offender with murder in the second degree as defined in section 125.25 of the penal law; [~~rape~~] **sexual battery** in the first degree, as defined in subdivision one of section 130.35 of the penal law; criminal sexual act in the first degree, as defined in subdivision one of section 130.50 of the penal law; or an armed felony as defined in paragraph (a) of subdivision forty-one of section 1.20 of this chapter, to the family court pursuant to the provisions of article seven hundred twenty-five of this title if the court finds one or more of the following factors: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not

so minor as to constitute a defense to the prosecution; or (iii) possible deficiencies in the proof of the crime, and, after consideration of the factors set forth in subdivision two of this section, the court determined that removal of the action to the family court would be in the interests of justice.

§ 35. Section 213-c of the civil practice law and rules, as amended by chapter 315 of the laws of 2019, is amended to read as follows:

§ 213-c. Action by victim of conduct constituting certain sexual offenses. Notwithstanding any other limitation set forth in this article, except as provided in subdivision (b) of section two hundred eight of this article, all civil claims or causes of action brought by any person for physical, psychological or other injury or condition suffered by such person as a result of conduct which would constitute [~~rape~~] **sexual battery** in the first degree as defined in section 130.35 of the penal law, or [~~rape~~] **sexual battery** in the second degree as defined in subdivision two of section 130.30 of the penal law, or [~~rape~~] **sexual battery** in the third degree as defined in subdivision one or three of section 130.25 of the penal law, or criminal sexual act in the first degree as defined in section 130.50 of the penal law, or criminal sexual act in the second degree as defined in subdivision two of section 130.45 of the penal law, or criminal sexual act in the third degree as defined in subdivision one or three of section 130.40 of the penal law, or incest in the first degree as defined in section 255.27 of the penal law, or incest in the second degree as defined in section 255.26 of the penal law (where the crime committed is [~~rape~~] **sexual battery** in the second degree as defined in subdivision two of section 130.30 of the penal law or criminal sexual act in the second degree as defined in subdivision two of section 130.45), or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law may be brought against any party whose intentional or negligent acts or omissions are alleged to have resulted in the commission of the said conduct, within twenty years. Nothing in this section shall be construed to require that a criminal charge be brought or a criminal conviction be obtained as a condition of bringing a civil cause of action or receiving a civil judgment pursuant to this section or be construed to require that any of the rules governing a criminal proceeding be applicable to any such civil action.

§ 36. Paragraph (b) of subdivision 8 of section 215 of the civil practice law and rules, as added by chapter 3 of the laws of 2006, is amended to read as follows:

(b) Whenever it is shown that a criminal action against the same defendant has been commenced with respect to the event or occurrence from which a claim governed by this section arises, and such criminal action is for [~~rape~~] **sexual battery** in the first degree as defined in section 130.35 of the penal law, or criminal sexual act in the first degree as defined in section 130.50 of the penal law, or aggravated sexual abuse in the first degree as defined in section 130.70 of the penal law, or course of sexual conduct against a child in the first degree as defined in section 130.75 of the penal law, the plaintiff shall have at least five years from the termination of the criminal action as defined in section 1.20 of the criminal procedure law in which to commence the civil action, notwithstanding that the time in which to commence such action has already expired or has less than a year remaining.

§ 37. Section 4510 of the civil practice law and rules, as amended by chapter 309 of the laws of 2021, is amended to read as follows:

§ 4510. [~~Rape~~] **Sexual battery** crisis counselor or domestic violence advocate. (a) Definitions. When used in this section, the following terms shall have the following meanings:

1. "[~~Rape~~] **Sexual battery** crisis program" means any office, institution or center which has been approved pursuant to subdivision fifteen of section two hundred six of the public health law, as added by chapter 432 of the laws of 1993, offering counseling and assistance to clients concerning sexual offenses, sexual abuses or incest.

2. "[~~Rape~~] **Sexual battery** crisis counselor" means any person who has been certified by an approved [~~rape~~] **sexual battery** crisis program as having satisfied the training standards specified in subdivision fifteen of section two hundred six of the public health law, as added by chapter 432 of the laws of 1993, and who, regardless of compensation, is acting under the direction and supervision of an approved [~~rape~~] **sexual battery** crisis program.

3. "Client" means (i) any person who is seeking or receiving the services of a [~~rape~~] **sexual battery** crisis counselor for the purpose of securing counseling or assistance concerning any sexual offenses, sexual abuse, incest or attempts to commit sexual offenses, sexual abuse, or incest, as defined in the penal law; or

(ii) any victim of domestic violence as defined in section four hundred fifty-nine-a of the social services law.

4. "Domestic violence program" means a residential program for victims of domestic violence or a non-residential program for victims of domestic violence as defined in section four hundred fifty-nine-a of the social services law or any similar program operated by an Indian tribe, as defined by section two of the Indian law.

5. "Domestic violence advocate" means any person who is acting under the direction and supervision of a licensed and approved domestic violence program and has satisfied the training standards required by the office of children and family services.

(b) Confidential information privileged. A [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate shall not be required to disclose a communication made by his or her client to him or her, or advice given thereon, in the course of his or her services nor shall any clerk, stenographer or other person working for the same program as the [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate or for the [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate be allowed to disclose any such communication or advice given thereon nor shall any records made in the course of the services given to the client or recording of any communications made by or to a client be required to be disclosed, nor shall the client be compelled to disclose such communication or records, except:

1. that a [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate may disclose such otherwise confidential communication to the extent authorized by the client;

2. that a [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate shall not be required to treat as confidential a communication by a client which reveals the intent to commit a crime or harmful act;

3. that a domestic violence advocate shall not be required to treat as confidential a communication by a client which reveals a case of suspected child abuse or maltreatment pursuant to title six of article six of the social services law;

4. in a case in which the client waives the privilege by instituting charges against the [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate or the [~~rape~~] **sexual battery** crisis program or domestic violence program and such action or proceeding involves confidential communications between the client and the [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate.

(c) Who may waive the privilege. The privilege may only be waived if the client, the personal representative of a deceased client, or, in the case of a client who has been adjudicated incompetent or for whom a conservator has been appointed, the committee or conservator provides the [~~rape~~] **sexual battery** crisis counselor or domestic violence advocate with informed, written and reasonably time-limited consent.

(d) Limitation on waiver. A client who, for the purposes of obtaining compensation under article twenty-two of the executive law or insurance benefits, authorizes the disclosure of any privileged communication to an employee of the office of victim services or an insurance representative shall not be deemed to have waived the privilege created by this section.

§ 38. Paragraph (A) of subdivision 1 of section 111-a of the domestic relations law, as amended by chapter 828 of the laws of 2022, is amended to read as follows:

(A) [~~rape~~] **sexual battery** in first or second degree;

§ 39. Paragraph (b) of subdivision 3-a of section 115-d of the domestic relations law, as amended by chapter 623 of the laws of 2008, is amended to read as follows:

(b) Notwithstanding any other provision of law to the contrary, a petition for certification as a qualified adoptive parent shall be denied where a criminal history record of the applicant reveals a conviction for (i) a felony conviction at any time involving: (1) child abuse or neglect; (2) spousal abuse; (3) a crime against a child, including child pornography; or (4) a crime involving violence, including [~~rape~~] **sexual battery**, sexual assault, or homicide, other than a crime involving physical assault or battery; or (ii) a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

§ 40. Clause 1 of subparagraph (A) of paragraph (b) of subdivision 1-c of section 240 of the domestic relations law, as amended by chapter 182 of the laws of 2019, is amended to read as follows:

(1) [~~rape~~] **sexual battery** in the first or second degree;

§ 41. Subdivision 7 of section 6444 of the education law, as added by chapter 76 of the laws of 2015, is amended to read as follows:

7. Institutions that lack appropriate on-campus resources or services shall, to the extent practicable, enter into memoranda of understanding, agreements or collaborative partnerships with existing community-based organizations, including [~~rape-crisis~~] **sexual battery-crisis** centers and domestic violence shelters and assistance organizations, to refer students for assistance or make services available to students, including counseling, health, mental health, victim advocacy, and legal assistance, which may also include resources and services for the respondent.

§ 42. Subdivision 4 of section 7605 of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

4. The practice, conduct, activities, or services by any person licensed or otherwise authorized to practice nursing as a registered professional nurse or nurse practitioner within the state pursuant to article one hundred thirty-nine of this title or by any person licensed

or otherwise authorized to practice social work within the state pursuant to article one hundred fifty-four of this title, or by any person licensed or otherwise authorized to practice mental health counseling, marriage and family therapy, creative arts therapy, or psychoanalysis within the state pursuant to article one hundred sixty-three of this title, or any person licensed or otherwise authorized to practice applied behavior analysis within the state pursuant to article one hundred sixty-seven of this title or any individual who is credentialed under any law, including attorneys, [~~rape~~] **sexual battery** crisis counselors, certified alcoholism counselors, and certified substance abuse counselors from providing mental health services within their respective established authorities.

§ 43. Paragraph (a) of subdivision 5 of section 7706 of the education law, as added by chapter 420 of the laws of 2002, is amended to read as follows:

(a) any individual who is credentialed under any law, including attorneys, [~~rape~~] **sexual battery** crisis counselors, credentialed alcoholism and substance abuse counselors whose scope of practice includes the practices defined in section seventy-seven hundred one of this article from performing or claiming to perform work authorized by applicable provisions of this chapter and the mental hygiene law;

§ 44. Subdivision 2 of section 8410 of the education law, as added by chapter 676 of the laws of 2002, is amended to read as follows:

2. Prohibit or limit any individual who is credentialed under any law, including attorneys, [~~rape~~] **sexual battery** crisis counselors, certified alcoholism counselors and certified substance abuse counselors from providing mental health services within their respective established authorities.

§ 45. Clause (ii) of subparagraph 2 of paragraph (c) of subdivision 22 of section 296 of the executive law, as added by chapter 176 of the laws of 2019, is amended to read as follows:

(ii) Obtaining services from a domestic violence shelter, program, or [~~rape~~] **sexual battery** crisis center as a result of domestic violence; or

§ 46. Subdivision 1 and paragraph (a) of subdivision 13 of section 631 of the executive law, subdivision 1 as separately amended by chapters 189 and 295 of the laws of 2018 and paragraph (a) of subdivision 13 as amended by section 3 of subpart S of part XX of chapter 55 of the laws of 2020, are amended to read as follows:

1. No award shall be made unless the office finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the office, for good cause shown, finds the delay to have been justified. Notwithstanding the foregoing provisions of this subdivision, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law or incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of the penal law or sex trafficking as defined in sections 230.34 and 230.34-a of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the

victim's physical, emotional and mental condition and family situation. For the purposes of this subdivision, "criminal justice agency" shall include, but not be limited to, a police department, a district attorney's office, and any other governmental agency having responsibility for the enforcement of the criminal laws of the state provided, however, that in cases involving such sex offense or family offense a criminal justice agency shall also mean a family court, a governmental agency responsible for child and/or adult protective services pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any medical facility established under the laws of the state that provides a forensic physical examination for victims of [~~rape~~] **sexual battery** and sexual assault.

(a) Notwithstanding any other provision of law, rule, or regulation to the contrary, when any New York state accredited hospital, accredited sexual assault examiner program, or licensed health care provider furnishes services to any sexual assault survivor, including but not limited to a health care forensic examination in accordance with the sex offense evidence collection protocol and standards established by the department of health, such hospital, sexual assault examiner program, or licensed healthcare provider shall provide such services to the person without charge and shall bill the office directly. The office, in consultation with the department of health, shall define the specific services to be covered by the sexual assault forensic exam reimbursement fee, which must include at a minimum forensic examiner services, hospital or healthcare facility services related to the exam, and any necessary related laboratory tests or pharmaceuticals; including but not limited to HIV post-exposure prophylaxis provided by a hospital emergency room at the time of the forensic [~~rape~~] **sexual battery** examination pursuant to paragraph (c) of subdivision one of section twenty-eight hundred five-i of the public health law. For a person eighteen years of age or older, follow-up HIV post-exposure prophylaxis costs shall continue to be reimbursed according to established office procedure. The office, in consultation with the department of health, shall also generate the necessary regulations and forms for the direct reimbursement procedure.

§ 47. Paragraph (b) of subdivision 1 of section 641 of the executive law, as added by chapter 94 of the laws of 1984, is amended to read as follows:

(b) availability of appropriate public or private programs that provide counseling, treatment or support for crime victims, including but not limited to the following: [~~rape~~] **sexual battery** crisis centers, victim/witness assistance programs, elderly victim services, victim assistance hotlines and domestic violence shelters;

§ 48. Subdivision 2-a of section 642 of the executive law, as amended by chapter 301 of the laws of 1991, paragraph (a) as amended by chapter 320 of the laws of 2006, is amended to read as follows:

2-a. (a) All police departments, as that term is defined in subdivision a of section eight hundred thirty-seven-c of this chapter, district attorneys' offices and presentment agencies, as that term is defined in subdivision twelve of section 301.2 of the family court act, shall provide a private setting for interviewing victims of a crime defined in article one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law. For purposes of this subdivision, "private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard, from outside such room. Only (i) those persons directly and immediately related to

the interviewing of a particular victim, (ii) the victim, (iii) a social worker, [~~rape~~] **sexual battery** crisis counselor, psychologist or other professional providing emotional support to the victim, unless the victim objects to the presence of such person and requests the exclusion of such person from the interview, and (iv) where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.

(b) All police departments, as that term is defined in subdivision a of section eight hundred thirty-seven-c of this chapter, shall provide victims of a crime defined in article one hundred thirty of the penal law with the name, address, and telephone of the nearest [~~rape~~] **sexual battery** crisis center in writing.

§ 49. The opening paragraph of paragraph (a) of subdivision 4 of section 840 of the executive law, as added by chapter 506 of the laws of 2011, is amended to read as follows:

(a) Develop, maintain and disseminate, in consultation with [~~rape~~] **sexual battery** crisis centers experienced in assisting victims in this state, written policies and procedures consistent with applicable provisions of the family court act, domestic relations law, criminal procedure law and the penal law, regarding the investigation of and intervention by new and veteran police officers in crimes involving sexual assault. Such policies and procedures shall make provisions for education and training of new and veteran police officers in the investigation and enforcement of crimes involving sexual assault under state law, including but not limited to:

§ 50. The opening paragraph of subdivision (b) of section 117 of the family court act, as amended by chapter 38 of the laws of 2022, is amended to read as follows:

For every juvenile delinquency proceeding under article three involving an allegation of an act committed by a person which, if done by an adult, would be a crime (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 [~~(rape~~] **(sexual battery** in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree), but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree); or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of

section 220.00 of the penal law committed by a person fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen, fifteen, sixteen, or seventeen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in clause (i), (ii) or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; or (vi) other than a misdemeanor, committed by a person at least twelve but less than eighteen years of age, but only where there have been two prior findings by the court that such person has committed a prior act which, if committed by an adult, would be a felony:

§ 51. Subdivision 8 of section 301.2 of the family court act, as amended by chapter 38 of the laws of 2022, is amended to read as follows:

8. "Designated felony act" means an act which, if done by an adult, would be a crime: (i) defined in sections 125.27 (murder in the first degree); 125.25 (murder in the second degree); 135.25 (kidnapping in the first degree); or 150.20 (arson in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (ii) defined in sections 120.10 (assault in the first degree); 125.20 (manslaughter in the first degree); 130.35 [~~(rape~~] **(sexual battery** in the first degree); 130.50 (criminal sexual act in the first degree); 130.70 (aggravated sexual abuse in the first degree); 135.20 (kidnapping in the second degree) but only where the abduction involved the use or threat of use of deadly physical force; 150.15 (arson in the second degree) or 160.15 (robbery in the first degree) of the penal law committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iii) defined in the penal law as an attempt to commit murder in the first or second degree or kidnapping in the first degree committed by a person thirteen, fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (iv) defined in section 140.30 (burglary in the first degree); subdivision one of section 140.25 (burglary in the second degree); subdivision two of section 160.10 (robbery in the second degree) of the penal law; or section 265.03 of the penal law, where such machine gun or such firearm is possessed on school grounds, as that phrase is defined in subdivision fourteen of section 220.00 of the penal law committed by a person fourteen, fifteen, sixteen, or seventeen years of age; or such conduct committed as a sexually motivated felony, where authorized pursuant to section 130.91 of the penal law; (v) defined in section 120.05 (assault in the second degree) or 160.10 (robbery in the second degree) of the penal law committed by a person fourteen, fifteen, sixteen or seventeen years of age but only where there has been a prior finding by a court that such person has previously committed an act which, if committed by an adult, would be the crime of assault in the second degree, robbery in the second degree or any designated felony act specified in paragraph (i),

(ii), or (iii) of this subdivision regardless of the age of such person at the time of the commission of the prior act; (vi) other than a misdemeanor committed by a person at least twelve but less than eighteen years of age, but only where there have been two prior findings by the court that such person has committed a prior act which, if committed by an adult, would be a felony.

§ 52. Subdivision 4 of section 308.1 of the family court act, as amended by chapter 264 of the laws of 2003, is amended to read as follows:

4. The probation service shall not adjust a case in which the child has allegedly committed a delinquent act which would be a crime defined in section 120.25, (reckless endangerment in the first degree), subdivision one of section 125.15, (manslaughter in the second degree), subdivision one of section 130.25, [~~(rape~~] **(sexual battery** in the third degree), subdivision one of section 130.40, (criminal sexual act in the third degree), subdivision one or two of section 130.65, (sexual abuse in the first degree), section 135.65, (coercion in the first degree), section 140.20, (burglary in the third degree), section 150.10, (arson in the third degree), section 160.05, (robbery in the third degree), subdivision two, three or four of section 265.02, (criminal possession of a weapon in the third degree), section 265.03, (criminal possession of a weapon in the second degree), or section 265.04, (criminal possession of a dangerous weapon in the first degree) of the penal law where the child has previously had one or more adjustments of a case in which such child allegedly committed an act which would be a crime specified in this subdivision unless it has received written approval from the court and the appropriate presentment agency.

§ 53. Paragraph (vii) of subdivision (a) of section 1046 of the family court act, as amended by chapter 432 of the laws of 1993, is amended to read as follows:

(vii) neither the privilege attaching to confidential communications between husband and wife, as set forth in section forty-five hundred two of the civil practice law and rules, nor the physician-patient and related privileges, as set forth in section forty-five hundred four of the civil practice law and rules, nor the psychologist-client privilege, as set forth in section forty-five hundred seven of the civil practice law and rules, nor the social worker-client privilege, as set forth in section forty-five hundred eight of the civil practice law and rules, nor the [~~rape~~] **sexual battery** crisis counselor-client privilege, as set forth in section forty-five hundred ten of the civil practice law and rules, shall be a ground for excluding evidence which otherwise would be admissible.

§ 54. Subparagraph 5 of paragraph a of subdivision 2 of section 654-a of the general business law, as amended by chapter 17 of the laws of 2013, is amended to read as follows:

(5) the purchaser of a contract signed by more than one purchaser provides to the operator a copy of any of the following, within six months of its issuance, involving domestic violence by another signatory of the same contract: (A) a valid domestic violence incident report form as such term is defined in subdivision fifteen of section eight hundred thirty-seven of the executive law; (B) a valid police report; (C) a valid order of protection; or (D) a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of his or her employment, social worker, a [~~rape~~] **sexual battery** crisis counselor as defined in section forty-five hundred ten of the civil practice law and rules, or advocate acting on behalf of an

agency that assists domestic violence victims. Paragraph d of this subdivision shall not apply to a purchaser canceling under this subparagraph. A claim for termination under this subparagraph shall be made in good faith. Termination under this subparagraph shall require, and the provision of any of the items in (A) through (D) of this subparagraph, for the purposes of this subparagraph, shall be presumptive evidence of the continued existence of a substantial risk of physical or emotional harm to the purchaser or purchaser's child.

§ 55. Section 4 of the judiciary law, as amended by chapter 1 of the laws of 2019, is amended to read as follows:

§ 4. Sittings of courts to be public. The sittings of every court within this state shall be public, and every citizen may freely attend the same, except that in all proceedings and trials in cases for divorce, seduction, [~~rape~~] **sexual battery**, assault with intent to commit [~~rape~~] **sexual battery**, criminal sexual act, bastardy or filiation, the court may, in its discretion, exclude therefrom all persons who are not directly interested therein, excepting jurors, witnesses, and officers of the court.

§ 56. Clause (a) of subparagraph (iii) of paragraph a of subdivision 4 of section 196-b of the labor law, as added by section 1 of part J of chapter 56 of the laws of 2020, is amended to read as follows:

(a) to obtain services from a domestic violence shelter, [~~rape~~] **sexual battery** crisis center, or other services program;

§ 57. Subdivision 15 of section 206 of the public health law, as added by chapter 432 of the laws of 1993, is amended to read as follows:

15. (a) The commissioner shall promulgate rules and regulations which establish:

(i) procedures to review and approve [~~rape~~] **sexual battery** crisis programs that provide training to [~~rape~~] **sexual battery** crisis counselors as defined in section four thousand five hundred ten of the civil practice law and rules;

(ii) minimum training standards for [~~rape~~] **sexual battery** crisis counselors;

(iii) procedures to enable approved [~~rape~~] **sexual battery** crisis programs to certify current and future [~~rape~~] **sexual battery** crisis counselors, including volunteer counselors, provided such [~~rape~~] **sexual battery** crisis counselors have met the minimum training standards as set forth in this subdivision; and

(iv) procedures to periodically review approved training programs to assure they continue to satisfy established standards.

(b) [~~Rape~~] **Sexual battery** crisis programs approved by the commissioner shall provide training programs consisting of at least thirty hours of pre-service training and within the first year of service at least ten hours of in-service training for [~~rape~~] **sexual battery** crisis counselors. This training shall include but not be limited to, instruction on the following:

(i) the dynamics of sexual offenses, sexual abuses or incest;

(ii) crisis intervention techniques;

(iii) client-counselor confidentiality requirements;

(iv) communication skills and intervention techniques;

(v) an overview of the state criminal justice system;

(vi) an update and review of state laws on sexual offenses, sexual abuse or incest;

(vii) the availability of state and community resources for clients;

(viii) working with a diverse population;

(ix) an overview of child abuse and maltreatment identification and reporting responsibilities; and

(x) information on the availability of medical and legal assistance for such clients.

(c) The department shall provide technical assistance to approved [~~rape~~] **sexual battery** crisis programs to implement training programs in accordance with the minimum standards set forth in this subdivision.

§ 58. The article heading of article 6-A of the public health law, as added by chapter 1 of the laws of 2000, is amended to read as follows:

[~~RAPE~~] **SEXUAL BATTERY** CRISIS INTERVENTION AND PREVENTION PROGRAM

§ 59. Section 695 of the public health law, as added by chapter 1 of the laws of 2000, is amended to read as follows:

§ 695. Short title. This article shall be known and may be cited as the [~~"rape~~] **"sexual battery** crisis intervention and prevention act of two thousand".

§ 60. Subdivisions 1, 5, 6, 7, 8 and 9 of section 695-a of the public health law, as added by chapter 1 of the laws of 2000 and subdivision 9 as amended by chapter 264 of the laws of 2003, are amended to read as follows:

1. [~~"Rape~~] **"Sexual battery** crisis intervention and prevention program" means any program which has been approved by the department offering counseling and assistance to clients concerning sex offenses, sexual abuse, or incest.

5. "Client" means any person seeking or receiving the services of a [~~rape~~] **sexual battery** crisis counselor for the purpose of securing counseling or assistance concerning any sex offense, sexual abuse, incest, or attempt to commit a sex offense, sexual abuse, or incest.

6. "Hotline" means twenty-four-hour access to [~~rape~~] **sexual battery** crisis intervention and prevention services including telephone hotline and telephone counseling capabilities.

7. "Community prevention" means public education projects designed to encourage victim use of [~~rape~~] **sexual battery** crisis intervention services, educating the general public about the availability and significance of [~~rape~~] **sexual battery** crisis intervention services, providing sex offense, sexual abuse or incest prevention and personal safety information, providing other education programs which sensitize service providers and the general public about the nature of sex offenses, sexual abuse or incest and the needs of survivors of a sex offense, sexual abuse or incest. "Community prevention" also means and includes public education projects designed to teach the general public about the problem of acquaintance [~~rape~~] **sexual battery**, including but not limited to: (a) the importance of promptly respecting the decision of another person not to engage in sexual conduct; and (b) the right of every individual to make such a decision and have it respected.

8. "Recruitment and training programs" means programs designed to recruit and train staff or volunteers in a [~~rape~~] **sexual battery** crisis intervention and prevention program as well as training or education to other agencies participating in a community support system.

9. "Accompaniment services" means services that assure the presence of a trained [~~rape~~] **sexual battery** crisis worker to assist and support the client, at hospitals, law enforcement agencies, district attorneys' offices, courts and other agencies.

§ 61. Subdivision 1 of section 695-b of the public health law, as added by chapter 1 of the laws of 2000, is amended to read as follows:

1. The department is hereby authorized to contract, within amounts appropriated, for the provision of [~~rape~~] **sexual battery** crisis intervention and prevention programs as provided herein. Rules, regulations and guidelines as shall be necessary or appropriate to assure successful implementation of this program shall be promulgated by the department.

§ 62. Paragraph (b) of subdivision 1, subdivision 3, subparagraph 3 of paragraph (a) and subparagraph 3 of paragraph (b) of subdivision 4-b, subdivision 5, and subparagraph 1 of paragraph (a) of subdivision 6 of section 2805-i of the public health law, as amended by chapter 504 of the laws of 1994, paragraph (b) of subdivision 1 as separately amended by section 1 of subpart S and section 2 of subpart A of part XX of chapter 55 of the laws of 2020, subparagraph 3 of paragraph (a) of subdivision 4-b and subdivision 5 as amended by chapter 1 of the laws of 2000, subparagraph 3 of paragraph (b) of subdivision 4-b as amended by section 3 of subpart A of part XX of chapter 55 of the laws of 2020, and subparagraph 1 of paragraph (a) of subdivision 6 as amended by section 4 of subpart A of part XX of chapter 55 of the laws of 2020, are amended to read as follows:

(b) informing sexual offense victims of the availability of [~~rape~~] **sexual battery** crisis and local victim assistance organizations, if any, in the geographic area served by the hospital, and contacting a [~~rape~~] **sexual battery** crisis or local victim assistance organization to establish the coordination of non-medical services, including but not limited to transportation within the geographic area served by that organization, upon the conclusion of initial medical services, free of charge from the medical facility to sexual offense victims who request such coordination and services;

3. Upon admittance or commencement of treatment of the alleged sexual offense victim, the hospital shall advise the victim of the availability of the services of a local [~~rape~~] **sexual battery** crisis or victim assistance organization, if any, to accompany the victim through the sexual offense examination. If after receiving such advice the sexual offense victim wishes the presence of a [~~rape~~] **sexual battery** crisis or victim assistance advocate, the hospital shall contact the appropriate organization and request that one be provided, provided, however, that if in the professional judgment of the treating practitioner a delay in treatment is detrimental to the provision of medical treatment, then examination or treatment need not be delayed pending the arrival of such advocate and further provided that the presence or continued presence of such advocate does not interfere with the provision of necessary medical care to the victim.

(3) the capacity of the hospital site to coordinate services for victims of sexual offenses including medical treatment, [~~rape~~] **sexual battery** crisis counseling, psychological support, law enforcement assistance and forensic evidence collection;

(3) Promptly after the examination is completed, the victim shall be permitted to shower, be provided with a change of clothing, be informed that a [~~rape~~] **sexual battery** crisis or victim assistance organization providing victim assistance to the geographic area served by that hospital is available to provide transportation within the geographic area served by that organization, upon the conclusion of initial medical services, free of charge from the medical facility, and receive follow-up information, counseling, medical treatment and referrals for same.

5. The commissioner shall promulgate such rules and regulations as may be necessary and proper to carry out effectively the provisions of this section. Prior to promulgating such rules and regulations, the commis-

sioner shall consult with relevant police agencies, forensic laboratories, [~~rape~~] **sexual battery** crisis centers, hospitals, and other such persons as the commissioner deems necessary. Such rules and regulations shall identify the offenses subject to the provisions of this section, provide a specific definition of sexual offense evidence and require each hospital to contact its local police agency and forensic laboratory to determine their specific needs or requirements.

(1) consult with a local [~~rape~~] **sexual battery** crisis or local victim assistance organization, to have a representative of such organization accompany the victim through the sexual offense examination, to have such an organization be summoned by the medical facility, police agency, prosecutorial agency or other law enforcement agency before the commencement of the physical examination or interview, pursuant to this section, and to have such organization provide transportation within the geographic area served by that organization, free of charge from the medical facility to sexual offense victims who request such services upon discharge;

§ 63. Section 2805-p of the public health law, as added by chapter 625 of the laws of 2003, is amended to read as follows:

§ 2805-p. Emergency treatment of [~~rape~~] **sexual battery** survivors. 1. As used in this section:

(a) "Emergency contraception" shall mean one or more prescription drugs used separately or in combination to be administered or self-administered by a patient to prevent pregnancy within a medically recommended amount of time after sexual intercourse and dispensed for that purpose in accordance with professional standards of practice and determined by the United States Food and Drug Administration to be safe.

(b) "Emergency treatment" shall mean any medical examination or treatment provided by a hospital to a [~~rape~~] **sexual battery** survivor following an alleged [~~rape~~] **sexual battery**.

(c) [~~"Rape"~~] **"Sexual battery"** shall mean any act defined in section 130.25, 130.30 or 130.35 of the penal law.

(d) [~~"Rape~~] **"Sexual battery** survivor" or "survivor" shall mean any female person who alleges or is alleged to have been [~~raped~~] **sexually battered** and who presents as a patient.

2. Every hospital providing emergency treatment to a [~~rape~~] **sexual battery** survivor shall promptly:

(a) provide such survivor with written information prepared or approved, pursuant to subdivision three of this section, relating to emergency contraception;

(b) orally inform such survivor of the availability of emergency contraception, its use and efficacy; and

(c) provide emergency contraception to such survivor, unless contraindicated, upon her request. No hospital may be required to provide emergency contraception to a [~~rape~~] **sexual battery** survivor who is pregnant.

3. The commissioner shall develop, prepare and produce informational materials relating to emergency contraception for distribution to and use in all hospitals in the state, in quantities sufficient to comply with the requirements of this section. The commissioner may also approve informational materials from medically recognized sources for the purposes of this section. Such informational material shall be in clear and concise language, readily comprehensible, in such varieties and forms as the commissioner shall deem necessary to inform survivors in English and languages other than English. Such materials shall explain the nature of emergency contraception including its use and efficacy.

4. The commissioner shall promulgate all such rules and regulations as may be necessary and proper to implement the provisions of this section.

§ 64. Paragraph (b) of subdivision 20 of section 131 of the social services law, as added by chapter 427 of the laws of 2009, is amended to read as follows:

(b) [~~rape~~] **sexual battery** crisis centers; and

§ 65. Clause (A) of subparagraph 1 of paragraph (e) of subdivision 2 of section 378-a of the social services law, as amended by chapter 92 of the laws of 2021, is amended to read as follows:

(A) a felony conviction at any time involving: (i) child abuse or neglect; (ii) spousal abuse; (iii) a crime against a child, including child pornography; or (iv) a crime involving violence, including [~~rape~~] **sexual battery**, sexual assault, or homicide, other than a crime involving physical assault or battery; or

§ 66. Paragraph (a) of subdivision 1 of section 384-c of the social services law, as amended by chapter 828 of the laws of 2022, is amended to read as follows:

(a) [~~rape~~] **sexual battery** in first or second degree;

§ 67. Section 6-125 of the administrative code of the city of New York, as added by local law number 26 of the city of New York for the year 2003, is amended to read as follows:

§ 6-125. a. For the purposes of this section only, the following terms shall have the following meanings:

(1) "City agency" means a city, county, borough, administration, department, division bureau, board or commission, or a corporation, institution or agency of government the expenses of which are paid in whole or in part from the city treasury, but shall not include the health and hospitals corporation.

(2) "Covered agreement" means any agreement, including but not limited to, memoranda of understanding, and excluding contracts, entered into on or after the effective date of the local law that added this section, between a hospital and a city agency.

(3) "Covered contract" means any contract entered into on or after the effective date of the local law that added this section, between a hospital and a city agency.

(4) "Emergency contraception" shall mean one or more prescription drugs, used separately or in combination, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy when used within a medically recommended amount of time following sexual intercourse and dispensed for that purpose in accordance with professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.

(5) "Hospital" means any facility operating pursuant to article 28 of the public health law which provides emergency medical care.

(6) [~~"Rape~~] **"Sexual battery** victim" means any female person who alleges or is alleged to have been [~~raped~~] **sexually battered** and presents to a hospital.

b. No city agency shall enter into a covered agreement or covered contract with any hospital that does not contain a provision whereby such hospital agrees to inform [~~rape~~] **sexual battery** victims presenting to its emergency department of the availability of emergency contraception and, if requested, to administer, if medically appropriate, such contraception in a timely manner.

c. No city agency shall enter into a covered agreement or covered contract with any hospital that does not contain a provision whereby

such hospital agrees to provide the department of health and mental hygiene, on an annual basis, a report indicating the following information with respect to each reporting period: i) the number of [~~rape~~] **sexual battery** victims treated in such hospital's emergency department; ii) the number of [~~rape~~] **sexual battery** victims treated in such hospital's emergency department which were offered emergency contraception; iii) the number of [~~rape~~] **sexual battery** victims treated in such hospital's emergency department for whom the administration of emergency contraception was not medically indicated and a brief explanation of the contraindication; and iv) the number of times emergency contraception was accepted or declined by a [~~rape~~] **sexual battery** victim treated in such hospital's emergency department.

d. No city agency shall enter into a covered agreement or covered contract with any hospital that does not contain a provision whereby such hospital agrees to provide the department of health and mental hygiene with a copy of its protocol for treatment of victims of sexual assault, which hospitals are required to establish pursuant to section 405.19 of title 10 of the codes, rules and regulations of the state of New York; provided however, that such hospital shall be required to provide such protocol upon amendment or renewal of a covered agreement or covered contract only if such protocol has been amended since the date such hospital initially entered into such covered agreement or covered contract.

e. A hospital shall be liable for a civil penalty of not less than five thousand dollars upon a determination that such hospital has been found, through litigation or arbitration, to have made a false claim with respect to its provision of information to [~~rape~~] **sexual battery** victims regarding the availability of emergency contraception or its provision of emergency contraception, if medically indicated, to [~~rape~~] **sexual battery** victims in a timely manner.

§ 68. Paragraphs 22, 23 and 24 of subdivision b and paragraph 8 of subdivision c of section 9-156 of the administrative code of the city of New York, as added by local law number 21 of the city of New York for the year 2019, are amended to read as follows:

22. Whether a [~~rape~~] **sexual battery** kit was administered, declined or not applicable;

23. If a [~~rape~~] **sexual battery** kit was deemed not applicable, whether that determination was the result of a delay in reporting, due to the type of abuse alleged to have occurred, or any other reason;

24. Whether a sexual assault nurse examiner or sexual assault response team was present during the administration of a [~~rape~~] **sexual battery** kit; and

8. Whether the alleged victim was referred to trauma or [~~rape~~] **sexual battery** crisis services following the incident and if the victim accepted or declined such services while in custody;

§ 69. The opening paragraph of paragraph 4 of subdivision a of section 14-150 of the administrative code of the city of New York, as separately amended by local law numbers 71 and 108 of the city of New York for the year 2016, is amended to read as follows:

A crime status report. Such report shall include the total number of crime complaints (categorized by class of crime, indicating whether the crime is a misdemeanor or felony) for each patrol precinct, including a subset of housing bureau and transit bureau complaints within each precinct; arrests (categorized by class of crime, indicating whether the arrest is for a misdemeanor or felony) for each patrol precinct, housing police service area, transit district, street crime unit and narcotics

division; summons activity (categorized by type of summons, indicating whether the summons is a parking violation, moving violation, environmental control board notice of violation, or criminal summons) for each patrol precinct, housing police service area and transit district; domestic violence radio runs for each patrol precinct; average response time for critical and serious crimes in progress for each patrol precinct; overtime statistics for each patrol borough and operational bureau performing an enforcement function within the police department, including, but not limited to, each patrol precinct, housing police service area, transit district and patrol borough street crime unit, as well as the narcotics division, fugitive enforcement division and the special operations division, including its subdivisions, but shall not include internal investigative commands and shall not include undercover officers assigned to any command. Such report shall also include the total number of complaints of all sex offenses as defined in article 130 of the New York state penal law, in total and disaggregated by the following offenses: [~~rape~~] **sexual battery** as defined in sections 130.25, 130.30, and 130.35; criminal sexual act as defined in sections 130.40, 130.45, and 130.50; misdemeanor sex offenses as defined in sections 130.20, 130.52, 130.55, and 130.60; sexual abuse as defined in sections 130.65, 130.65-a, 130.66, 130.67, and 130.70; course of sexual conduct against a child as defined in sections 130.75 and 130.80; and predatory sexual assault as defined in sections 130.95 and 130.96. Such report shall also include the total number of major felony crime complaints for properties under the jurisdiction of the department of parks and recreation, pursuant to the following timetable:

§ 70. Paragraph 3 of subdivision a of section 14-161 of the administrative code of the city of New York, as added by local law number 110 of the city of New York for the year 2016, is amended to read as follows:

3. the number of reported [~~rapes~~] **sexual batteries** related to domestic violence;

§ 71. Paragraph 2 of subdivision b of section 14-171 of the administrative code of the city of New York, as added by local law number 42 of the city of New York for the year 2018, is amended to read as follows:

2. [~~Rape~~] **Sexual battery** as defined in article 130 of the penal law;

§ 72. Subdivision b of section 14-180 of the administrative code of the city of New York, as added by local law number 194 of the city of New York for the year 2018, is amended to read as follows:

b. Special victims training program. The department, after considering information from outside experts, shall develop and implement a victim-centered special victims training program designed to develop skills related to the investigation of sexual crimes and the specific needs of victims of sexual crimes. The curriculum shall consider nationally recognized best practices and factors contributing to the additional complexity of sexual assault investigations including the depth of victimization, the negative social consequences of sexual assault, the trauma and neurobiological damage inflicted by sexual assault, the complexity of victim management, the falsity or partially truthful disclosure of complaints, the large unreported rate of sexual assaults and any other training deemed relevant to sexual assault cases by the commissioner. Such program shall include the following training components: the Forensic Experiential Trauma Interview method, specialized investigative training for sexual assault cases including non-stranger sexual assault and controlled communications, district attorney based training related to legal evidentiary standards and penal law article

130 crimes, Sexual Assault Forensic Examiner training, Sex Offender Registration Act training, hospital based training, victim advocate based training and any other training courses currently offered by the NYPD for special victims investigators including but not limited to DNA evidence, investigation of complex cases, drug-facilitated sexual assault, neurobiology of sexual assault, [~~rape~~] **sexual battery** crisis counselor training, peer based investigative process training, abusive head trauma training and any other training deemed relevant to sexual assault cases by the commissioner, except that the commissioner may eliminate a training component or replace a training component with an alternative component in order to provide comprehensive victim-centered training. Such program shall include a proficiency examination or demonstration for each training component and shall be of a length the commissioner determines is sufficient to ensure that special victims investigators are capable of utilizing such skills.

§ 73. Subparagraph (a) of paragraph 1 of subdivision b of section 20-914 of the administrative code of the city of New York, as amended by local law number 97 of the city of New York for the year 2020, is amended to read as follows:

(a) to obtain services from a domestic violence shelter, [~~rape~~] **sexual battery** crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking, or human trafficking;

§ 74. This act shall take effect immediately.